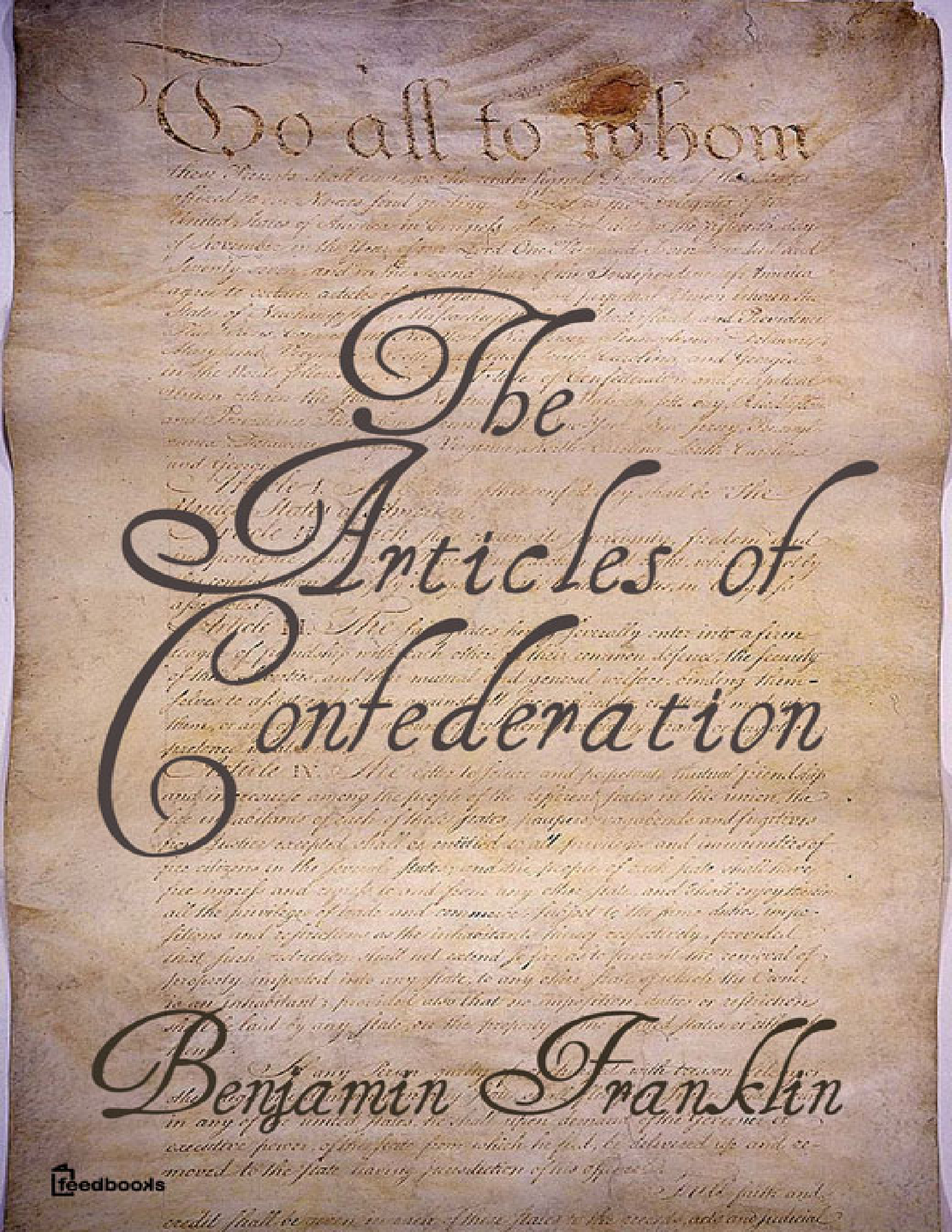
To all to whom
The Articles of Confederation
Benjamin Franklin

The Articles of Confederation

Benjamin Franklin

Published: 1781
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About Franklin:

Benjamin Franklin was one of the Founding Fathers of the United States of America. A noted polymath, Franklin was a leading author and printer, satirist, political theorist, politician, scientist, inventor, civic activist, statesman, and diplomat. As a scientist, he was a major figure in the Enlightenment and the history of physics for his discoveries and theories regarding electricity. He invented the lightning rod, bifocals, the Franklin stove, a carriage odometer, and the glass 'armonica'. He formed both the first public lending library in America and first fire department in Pennsylvania. He was an early proponent of colonial unity, and as a political writer and activist he supported the idea of an American nation.[2] As a diplomat during the American Revolution he secured the French alliance that helped to make independence of the United States possible. Franklin is credited as being foundational to the roots of American values and character, a marriage of the practical and democratic Puritan values of thrift, hard work, education, community spirit, self-governing institutions, and opposition to authoritarianism both political and religious, with the scientific and tolerant values of the Enlightenment. In the words of Henry Steele Commager, "In Franklin could be merged the virtues of Puritanism without its defects, the illumination of the Enlightenment without its heat."[3] To Walter Isaacson, this makes Franklin, "the most accomplished American of his age and the most influential in inventing the type of society America would become."[4] Franklin became a newspaper editor, printer, and merchant in Philadelphia, becoming very wealthy, writing and publishing Poor Richard's Almanack and The Pennsylvania Gazette. Franklin was interested in science and technology, and gained international renown for his famous experiments. He played a major role in establishing the University of Pennsylvania and Franklin & Marshall College and was elected the first president of the American Philosophical Society. Franklin became a national hero in America when he spearheaded the effort to have Parliament repeal the unpopular Stamp Act. An accomplished diplomat, he was widely admired among the French as American minister to Paris and was a major figure in the development of positive Franco-American relations. From 1775 to 1776, Franklin was Postmaster General under the Continental Congress and from 1785 to 1788 was President of the Supreme Executive Council of Pennsylvania. Toward the end of his life, he became one of the most prominent abolitionists. His colorful life and legacy of

scientific and political achievement, and status as one of America's most influential Founding Fathers, has seen Franklin honored on coinage and money; warships; the names of many towns, counties, educational institutions, namesakes, and companies; and more than two centuries after his death, countless cultural references.

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Part 1
Articles of Confederation : March 1, 1781

Introduction

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Article I

The Stile of this Confederacy shall be

"The United States of America".

Article II

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

Article III

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

Article IV

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

Article V

For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a powerreserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendence on Congress, except for treason, felony, or breach of the peace.

Article VI

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the

Kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

Article VII

When land forces are raised by any State for the common defense, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

Article VIII

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

Article IX

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article — of sending and receiving ambassadors — entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever — of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated — of granting letters of marque and reprisal in times of peace — appointing courts for the trial of piracies and felonies commited on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other causes whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall

be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgement and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgement, which shall in like manner be final and decisive, the judgement or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgement, shall take an oath to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgement, without favor, affection or hope of reward': provided also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before presecribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States — fixing the standards of weights and measures throughout the United States — regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated — establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be

requisite to defray the expenses of the said office — appointing all officers of the land forces, in the service of the United States, excepting regimental officers — appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States — making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated 'A Committee of the States', and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction — to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses — to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted — to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a solid-like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of each State, unless the legislature of such State shall judge that such extra number cannot be safely spread out in the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judeg can be safely spared. And the officers and men so cloathed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgement require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

Article X

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

Article XI

Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

Article XII

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pleged.

Article XIII

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the independence of America.

Agreed to by Congress 15 November 1777 In force after ratification by Maryland, 1 March 1781

Source:

Documents Illustrative of the Formation of the Union of the American States.

Government Printing Office, 1927.

House Document No. 398.

Selected, Arranged and Indexed by Charles C. Tansill

Part 2
Benjamin Franklin's Draft

Introduction

Journals of the Continental Congress - Franklin's Articles of Confederation; July 21, 1775

Franklin's Articles of Confederation(1)

Articles of Confederation and perpetual Union, enterd into agre proposed, by the Delegates of the several Colonies of New Hampshire, &c, in general Congress met at Philadelphia, May 10, 1775.

Article I

The Name of this Confederacy shall henceforth be the United Colonies of North America.

Article II

The said United Colonies hereby severally enter into a firm League of Friendship with each other, binding on themselves and their Posterity, for their common Defence and Offence, against their Enemies for the Security of their Liberties and Propertys, the Safety of their Persons and Families, and their common and mutual and general Welfare.

Article III

That each Colony shall enjoy and retain as much as it may think fit of its own present Laws, Customs, Rights, and Privileges, and peculiar Jurisdictions within its own Limits; and may amend its own Constitution as shall seem best to its own Assembly or Convention.

Article IV

That for the more convenient Management of general Interests, Delegates shall be annually elected in each Colony to meet in General Congress at such Time and Place as shall be agreed on in each the next preceding Congress. Only where particular Circumstances do not make a Deviation necessary, it is understood to be a Rule, that each succeeding Congress be held in a different Colony till the whole Number be gone through, and so in perpetual Rotation; and that accordingly the next Congress after the present shall be held in the at Annapolis in Maryland.

Article V

That the Power and Duty of the Congress shall extend to the Determining on War and Peace, to sending and receiving ambassadors, and entring into Alliances, [the Reconciliation with Great Britain;] the Settling all Disputes and Differences between Colony and Colony about Limits or any other cause if such should arise; and the Planting of new Colonies when proper.

The Congress shall also make and propose such general Regulations Ordinances as tho' necessary to the General Welfare, particular Assemblies from their local Circum cannot be competent to; viz. such as may relate to those that may relate to our general Commerce; or general Currency; to the Establishment of Posts; and the Regulation of our common Forces. The Congress shall also have the Appointment of all General Officers, civil and military, appertaining to the general Confederacy, such as General Treasurer, Secretary, &c.

Article VI

All Charges of Wars, and all other general Expences to be incurr'd for the common Welfare, shall be defray'd out of a common Treasury, which is to be supply'd by each Colony in proportion to its Number of Male Polls between 16 and 60 Years of Age; the Taxes for paying that proportion are to be laid and levied by the Laws of each Colony. And all Advantages gained at a common Expence.

Article VII

The Number of Delegates to be elected and sent to the Congress by each Colony, shall be regulated from time to time by the Number of such Polls return'd; so as that one Delegate be allowed for every [5000] Polls. And the Delegates are to bring with them to every Congress, an authenticated Return of the number of Polls in the respective Provinces which is to be annually triennially taken for the Purposes above mentioned.

Article VIII

At every Meeting of the Congress One half of the Members return'd exclusive of Proxies be necessary to make a Quorum, and Each Delegate at the Congress, shall have a Vote in all Cases; and if necessarily absent, shall be allowed to appoint any other Delegate from the same Colony to be his Proxy, who may vote for him.

Article IX

An executive Council shall be appointed by the Congress out of their own Body, consisting of [12] Persons; of whom in the first Appointment one Third, viz. [4], shall be for one year, [4] for two Years, and [4] for three Years; and as the said Terms expire, the Vacancy shall be filled by Appointments for three Years, whereby One Third of the Members will be changed annually. And each Person who has served the said Term of three Years as Counsellor, shall have a Respite of three Years, before he can be elected again. The Appointments to be determined by Ballot. This Council (of whom two thirds shall be a Quorum,) in the Recess of the Congress is to execute what shall have been enjoin'd thereby; to manage the general continental Business and Interests to receive Applications from foreign Countries; to prepare Matters for the Consideration of the Congress; to fill up [*Pro tempore*] general continental Offices that fall vacant; and to draw on the General Treasurer for such Monies as may be necessary for general Services, & appropriated by the Congress to such Services.

Article X

No Colony shall engage in an offensive War with any Nation of Indians without the Consent of the Congress, or great Council above mentioned, who are first to consider the Justice and Necessity of such War.

Article XI

A perpetual Alliance offensive and defensive, is to be enter'd into as soon as may he with the Six Nations; their Limits to be ascertain'd and secur'd to them; their Land not to be encroach'd on, nor any private or Colony Purchases made of them hereafter to be held good; nor any Contract for Lands to be made but between the Great Council of the Indians at Onondaga and the General Congress. The Boundaries and Lands of all the other Indians shall also be ascertain'd and secur'd to them in the same manner; and Persons appointed to reside among them in proper Districts, who shall take care to prevent Injustice in the Trade with them, and be enabled at our general Expence by occasional small Supplies, to relieve their personal Wants and Distresses. And all Purchases from them shall be by the General Congress for the General Advantage and Benefit of the United Colonies.

Article XII

As all new institutions are Subject may have Imperfections which only Time and Experience can discover, it is agreed, That the General Congress from time to time shall propose such Amendments of this Constitution as they may be found necessary; which being approv'd by a Majority of the Colony Assemblies, shall be equally binding with the rest of the Articles of this Confederation.

Article XIII

Any other and every Colony from Great Britain upon the Continent of North America and not at present engag'd in our Association shall may upon Application and joining the said Association be receiv'd into this Confederation, viz. [Ireland] the West India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas; and shall thereupon be entitled to all the Advantages of our Union, mutual Assistance and Commerce.

These Articles shall be propos'd to the several Provincial Conventions or Assemblies, to be by them consider'd, and if approv'd they are advis'd to impower their Delegates to agree to and ratify the same in the ensuing Congress. After which the Union thereby establish'd is to continue firm till the Terms of Reconciliation proposed in the Petition of the last Congress to the King are agreed to; till the Acts since made restraining the American Commerce and Fisheries are repeal'd; till Reparation is made for the Injury done to Boston by shutting up its Port; for the Burning of Charlestown; and for the Expence of this unjust War; and till all the British Troops are withdrawn from America. On the Arrival of these Events the Colonies [shall] return to their former Connection and Friendship with Britain: But on Failure thereof this (confederation is to be perpetual.(2)

Notes

(1) In a volume of the Papers of the Continental Congress No. 9, containing a history of the Confederation, the first entry in the writing of Charles Thomson reads:

" July 21. 1775. Agreeably to Order the Congress resolved itself into a Committee of the whole to take into Consideration the State of America, when doct. B. Franklin submitted to their Consideration the following Sketch of Articles of Confederation. "

The original MS. is in No. 47, folio 1. It has long been believed that the trade propositions submitted by Franklin on this day originally formed part of the Articles of Confederation, and the two documents are usually printed together. In 1775 a British vessel captured copies on their way to South Carolina and the two papers were published as one; and again in the Archives of New Jersey, vol. X, p. 691. But Thomson's entry must be conclusive. The Articles were probably submitted by Franklin of his own motion. Back

(2) Endorsed,

"Sketch of Articles of Confederation. July '75.

" This sketch in handwrite of Doct Franklin. "Read before Congress July 21, 1775."

A manuscript in the Library of Congress gives a copy of the Franklin Articles of Confederation and some comments or amendments made by G: W., i. e. George Wythe. The comments are as follows:

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tbody>

	By the Albany plan	The present plan (5,000) polls to a Delegate supposed.
New Hampshire	**2**	**Near 5 1/6**
Massachusetts	**7**	**18**
Conecticut	**5**	**10 2/3**
Rhode Island	**2**	**3**

N York	**4**	**10 2/6**
New Jersey	**3**	**6¾**
Pensylvania	**6**	**15½**
Lower Counties	**——**	**1½**
Maryland	**4**	**13**
Virginia	**7**	**201**
North Carolina	**4**	**10**
South Carolina	**4**	**10**
	48	**124½**

" Massach: Pensylvania Virginia & Maryland 66 members more than half the whole. " Remarks by G. W.

" Addition to 6th article.

and the Delegates are to Bring with them to Every Congress an authenticated Return of the No. of the polls in their respective Colonies which is to be triennially taken in order that Each Colonies proportion of the General taxes may be Equitably affixed.

" Art 7th.

" Each Colony shall Choose what No. of Delegates the Assembly or Convention of such Colony pleases not Exceeding for any one Colony.

'Art 8th.

" Each Delegate at the Congress shall have a vote in the first Instance in all Cases but if any Colony or Colonies are Dissatisfied with the majority of voices so taken the Colonies shall be Called separately and Each Colony whatever its No of Delegates may be, shall have only one vote as bath heretofore been Customary in Congress."

Source:
Journals of the Continental Congress 1774-1779
Vol. II Pages 195-199.
Edited from the original records in the Library of Congress by Worthington Chauncey Ford; Chief, Division of Manuscripts.
Washington, DC : Government Printing Office, 1905.

Part 3
John Dickinson's Draft

Introduction

Journals of the Continental Congress - Articles of Confederation and Perpetual Union; July 12, 1776

Articles of confederation and perpetual union, between the colonies of (1)

<
tbody>

New Hampshire,	The counties of New Castle,Kent
Massachusetts Bay,	and, Sussex on Delaware,
Rhode Island,	Maryland,
Connecticut,	Virginia,
New York,	North Carolina,
New Jersey,	South Carolina, and
Pennsylvania,	Georgia.

Article I

THE Name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

Article II

The said Colonies unite themselves so as never to be divided by any Act whatever, and hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the said Colonies to assist one another against all Force offered to or attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.

Article III

Each Colony shall retain and enjoy as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and Government of its internal police, in all matters that shall not interfere with the Articles of this Confederation.(2)

Article IV

No Colony or Colonies, without the Consent of the United States in Congress assembled, shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present, Emolument, Office, or Title of any Kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

Article V

No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the United States in Congress assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.

Article VI

The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following Article.

Article VII

The Inhabitants of each Colony shall enjoy all the Rights, Liberties, Privileges, Immunities, and Advantages, in Trade, Navigation, and Commerce, in any other Colony, and in going to and from the same from and to any Part of the World, which the Natives of such Colony or any Commercial Society, established by its Authority shall enjoy.

Article VIII

Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importations or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties hereafter entered into by the United States assembled, with the King or Kingdom of Great Britain, or any foreign Prince or State.

Article IX

No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Times of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in public Stores, a due Number of Field Pieces and Tents, and a proper Quantity of Ammunition, and ether Camp Equipage.(3)

Article X

When Troops are raised in any of the Colonies for the common Defence, the Commission Officers proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such manner as shall by them be directed.

Article XI

All Charges of Wars and all other Expences that shall be incurred for the common Defenee, or general Welfare, and allowed by the United States in General Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes, in each Colony, a true Account of which, distinguishing the white(4) Inhabitants who are not slaves, shall be triennially taken and transmitted to Congress the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by United States assembled.(5)

Article XII

Every Colony shall abide by the Determinations of the United States in General Congress assembled, concerning the Services performed and Losses or Expences incurred by every Colony for the common Defence or general Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfactions, Indemnifications, Compensations, Retributions, Exemptions, or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

Article XIII

No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nations of Indians to invade such Colony or Colonies, and the Danger is so imminent, as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.(6)

Article XIV

A perpetual Alliance, offensive and defensive, is to be entered into by the United States assembled as soon as may be, with the Six Nations, and all other neighbouring Nations of Indians; their Limits to be ascertained, their Lands to be secured to them, and not encroached on; (7) no Purchases of Lands, hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by them, and the great Councils of the Indians, for the general Benefit of all the United Colonies.(8)

Article XV

When the Boundaries of any Colony shall be ascertained by Agreement, or in the Manner herein after directed, all the other Colonies shall guarantee to such Colony the full and peaceable Possession of, and the free and entire Jurisdiction in and over the Territory included within such Boundaries.(9)

Article XVI

For the more convenient Management of the general Interests of the United States, Delegates should be annually appointed in such Manner as the Legislature of each Colony shall direct, or such Branches thereof as the Colony shall authorize for that purpose, to meet in General Congress at the City of Philadelphia, in the Colony of Pennsylvania, until otherwise ordered by Congress the United States assembled; which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates, respectively to supercede recal them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in Congress a Meeting of the States, and while they act as Members of the Council of State, herein after mentioned.(10)

Article XVII

In determining Questions in Congress each Colony shall have one Vote.

Article XVIII

The United States assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article-Of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal-In what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated-Granting Letters of Marque and Reprisal in Times of Peace-Appointing Courts for the Trial of all Crimes, Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish-Establishing Courts for receiving and determining finally Appeals in all Cases of Captures-Sending and receiving Ambassadors under any Character-Entering into Treaties and Alliances-Settling all Disputes and Differences now subsisting, or that hereafter may arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever-Coining Money and regulating the Value thereof-Regulating the Indian Trade, and managing all Indian Affairs with the Indians-Limiting the Bounds of those Colonies, which by Charter or Proclamation, or under any Pretence, are said to extend to the South Sea, and ascertaining those Bounds of any other Colony that appear to be indeterminate-Assigning Territories for new Colonies, either in Lands to he thus separated from Colonies and heretofore purchased or obtained by the Crown of Great-Britain from the Indians, or hereafter to be purchased or obtained from them-Disposing of all such Lands for the general Benefit of all the United Colonies-Ascertaining Boundaries to such new Colonies, within which Forms of Government are to be established on the Principles of Liberty(12)-Establishing and regulating Post-Offices throughout all the United Colonies, on the Lines of Communication from one Colony to another-Appointing General Officers of the Land Forces in the Service of the United States—Commissioning such other Officers of the said Forces as shall be appointed by Virtue of the tenth Article-Appointing all the Officers of the Naval Forces in the Service of the United States-Making Rules for the Government and Regulation of the said Land and Naval Forces, and directing the Marches, Cruises and operations of such land and naval Forces-Appointing a Council of State, and such Committees and civil Officers as may be necessary for managing the general Affairs of the United

States, under their Direction while assembled, and in their Recess, of the Council of State-Appointing one of their number to preside, and a suitable Person for Secretary-And adjourning to any Time within the Year.

The United States assembled shall have Authority for the Defence and Welfare of the United Colonies and every of them, to agree upon and fix the necessary Sums and Expences-To emit Bills, or to borrow Money on the Credit of the United Colonies-To raise Naval Forces- To agree upon the Number of Land Forces to be raised, and to make Requisitions from the Legislature of each Colony, or the Persons therein authorized by the Legislature to execute such Requisitions, for the Quota of each Colony, which is to be in Proportion to the Number of white inhabitants in that Colony who are not slaves, which Requisitions shall be binding, and thereupon the Legislature of each Colony or the Persons authorized as aforesaid, shall appoint the Regimental Officers, and raise the Men, and arm and equip them in a soldier-like Manner; and the Officers and Men so armed and equipped, shall march to the Place appointed, and within the Time agreed on by the United States assembled.

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men, or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the Legislature of such Colony or Colonies respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which Case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the Officers and Men so armed and equiped shall march to the Place appointed, and within the Time agreed on by the United States assembled.

To establish the same Weights and Measures throughout the United Colonies.

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post-Office, nor interfere in the internal Police of any Colony, any further than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and

Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expences necessary for the Defence and Welfare of the United Colonies, or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise Naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same: (13) Nor shall a Question on any other Point, except for adjourning, be determined, unless the Delegates of seven Colonies vote in the affirmative.

No Person shall be capable of being a Delegate for more than three Years in any Term of six Years.

No Person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy-The Yeas and Nays of the Delegates of each Colony on any Question to he entered on the Journal, where it is desired by any Delegate; and the Delegates of a Colony, or any of them, at his or their Request, to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.(14)

Article XIX

The Council of State shall consist of one Delegate from each C[o]lony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.(15)

The Business and Duty of This Council shall have Power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any Engagements that shall be binding on the United States-To correspond with the Legislature of each Colony, and all Persons acting under the Authority of the United States, or of the said Legislatures-To apply to such Legislatures, or to the Officers in the several Colonies who are entrusted with the executive Powers of Government, for occasional Aid whenever and wherever necessary-To give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall malice such Change absolutely necessary-To attend to the Defence and Preservation of Forts and strong Posts, and to prevent the Enemy from acquiring new Holds—To procure Intelligence of the Condition and Designs of the Enemy-To expedite the Execution of such Measures as may be resolved on by the United States assembled, in Pursuance of the Powers hereby given to them-To draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in Pursuance of the Powers hereby given to them- To superintend and controul or suspend all Officers civil and military, acting under the Authority of the United States-In Case of the Death or Removal of any Officer within the Appointment of the United States assembled, to employ a Person to fulfill the Duties of such Office until the Assembly of the States meet-To publish and disperse authentic Accounts of military Operations-To summon an Assembly of the States at an earlier Day than that appointed for their next Meeting, if any great and unexpected Emergency should render it necessary for the Safety or Welfare of the United Colonies or any of them-To prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their Proceedings-To

appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity, before he enters on the Exercise of his Office- Seven Members shall have Power to act-In Case of the Death of any Member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, and if only one survives, they shall give him(16) immediate Notice, that he may take his Seat as a Councilor till such Meeting.(17)

Article XX

Canada acceding to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advantages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the foregoing Articles of this Confederation shall inviolably be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every Colony.(18)

Notes

Resolved, That eighty copies, and no more, of the confederation, as brought in by the committee, be immediately printed, and deposited with the secretary, who shall deliver one copy to each member:

That a committee of be appointed to superintend the press, who shall talk care that the foregoing resolution [unfinished]

That the printer be under oath to deliver all the copies, which he shall print, together with the copy sheet, to the secretary, and not to disclose either directly or indirectly, the contents of the said confederation:

(1) The Articles of Confederation as first laid before Congress and ordered to be printed are in the Papers of the Continental Congress, No. 47. The original manuscript is in the writing of John Dickinson (folio 9,) but was used by Charles Thomson in noting such changes or amendments as were made in Congress, before the Articles were ordered to be printed a second time, on August 20. I have sought to give in this place the Articles as they were prepared by Dickinson, with the few changes he made while writing them, and with the queries which he noted on the margin. The text is substantially that printed in the first issue. Under August 20 is again repeated this first printed issue in parallel with the Articles as reported to Congress on that day and ordered to be printed. Back

(2) "Q. Should not the first Article provide for a Toleration and agt Establishments hereafter to be made?" J. D. Back

" Quaere. The Propriety of the Union's garranteeing to every colony their respective Constitution and form of Government?" J. D.

(3) "Q. Should not this Article specify the Particulars, as to Age, Arms, Field pieeeB, &c." J. D. Back

(4) This word was inserted on striking out "who are not slaves." Back

(5) "Q. If no Notice should be taken of the Bills already emitted, and if there should not be a Contract to contribute in due Proportion towards sinking them?" J. D. Back

(6) "Q. How far the Expence of any War is to be defrayed by the Union?" J. D. Back

(7) Q. How far a Colony may interfere in Indian Affairs? " J. D. Back

To this point this paragraph was omitted in the printed version.

(8) "This Article is submitted to Congress." J. D. Back

(9) "This Article is submitted to Congress. Back

"Q. Should there not be an Article to prevent those who are hereafter brought into these Colonies, from being held in Slavery within the Colonies?" J. D.

(10) "Q. If there should not be an Oath or Affirmation prescribed for every Delegate to take? See 31st. Vol. of Mod. Univ'l Hist. Back

"Q. If a Delegate should be permitted to vote by Proxy or by Writing, when absent by Reason of Sickness, &c.?", J. D.

(11) "Q. How the power is to be describ'd, if any is to be given to the United States assembled of erecting Forts and keeping Garrisons, in any Colony, for the gem. Defence? Should it be done, if the Colony objects?

"Q. The power of arresting and trying persons in the Service of the United States, in any Colony, without applying to the Government of such Colony? A Dispute on this Head occasioned great Confusion in Holland. Back

"Q. The power of laying Embargos?" J. D.

(12) "These clauses [from Limiting the Bounds, &c.] are submitted to Congress." J. D. Back

(13) "Q. If So large a Majority is necessary in concluding a Treaty of Peace?" J. D. Back

(14) "Q. Whether the proceedings of the Assembly of the States should not be published weekly, except such Matters as relate to Alliances, military Operations, &c, which require Secrecy? If this is not proper, yet, should not every Delegate have a Right to enter his Protest, and assign his Reasons, and even publish them, if he thinks fit? " J. D. Back

(15) "Q. The Oath of a Councillor? " J. D. Back

(16) This word omitted in the printed version. Back

(17) "Q If the Secretary of the Congress should not be Secretary to the Council of States to prevent unnecessary Expence and the Discovery of Secrets-It would also promote the Despatch of Business." J. D. Back

(18) "Q. If there should not be a solemn Oath taken by every Colony, or its Delegates, authorized for that Purpose, by the respective Legislatures, to observe and abide by all and similar the Articles of this Confederation?" J. D.

The following paper is in the Franklin Manuscripts in the Library of Congress. Although the document itself is not in the writing of Franklin, there is a slip of paper on which he wrote:

" This Paper was drawn up by B. Franklin in 1776, he being then President of the Convention of Pennsylvania; but he was dissuaded from endeavouring to carry it through, from some prudential Considerations respecting the necessary Union at that time of all the States in Confederation "

The paper must have been prepared in the interval between July 12 and August 20, the dates of the submission to Congress of the first form of the Confederation and of the rising of the Pennsylvania Convention.

"We the Representatives of the State of Pennsylvania in full Convention met, having duly Considered the plan of Confederation formed in Congress, and submitted to the several States, for their Assent or Dissent, do hereby declare the Dissent of this State to the same for the following reasons vizt

1st Because the foundation of every Confederation intended to be lasting, ought to be laid in Justice and Equity, no unfair Advantage being given to, or taken by, any of the Contracting parties.

"2d Because it is, in the Nature of things, just end equal, that the respective States of the Confederacy should be represented in Congress, and have Votes there in proportion to their Importance, arising from their Numbers of People, and the Share and degree of Strength they afford to the United Body. And therefore the xviith Article (1 Note) which gives one Vote to the smallest State and no more to the largest when the difference between them may be as 10 to 1, or greater, is unjust, and injurious to the larger States, since all of them are by other Articles obliged to Contribute in proportion to their respective abilities.

"3d Because the Practice hitherto in Congress, of allowing only one Vote to each Colony, was originally taken up under a Conviction of its Impropriety and Injustice,

" Note 1. This since forms Part of the 5th Article of the Confederation as agreed to by all the States, except Maryland,-on the 9th July 1778:-and finally ratified by the whole Union, on the 1st March 1781.-(the State of Maryland acceding thereto)" William Temple Franklin, on original manuscript. From the Franklin Manuscripts in the Library of Congress, folio 293.

Source:

Journals of the Continental Congress 1774-1779

Edited from the original records in the Library of Congress by Worthington Chauncey Ford; Chief, Division of Manuscripts.

Washington, DC : Government Printing Office, 1905.

Part 4
Discussion of The Articles of Confederation in Jefferson's Autobiography

On Friday July 12. the Committee appointed to draw the articles of confederation reported them, and on the 22d. the house resolved themselves into a committee to take them into consideration. On the 30th. & 31st. of that month & 1st. of the ensuing, those articles were debated which determined the proportion or quota of money which each state should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words. "Art. XI. All charges of war & all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex & quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken & transmitted to the Assembly of the United States."

Mr. [Samuel] Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition, but by that of the "white inhabitants." He admitted that taxation should be alwais in proportion to property, that this was in theory the true rule, but that from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every State could never be estimated justly & equally. Some other measure for the wealth of the State must therefore be devised, some standard referred to which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might alwais be obtained. He therefore thought it the best mode which we could adopt, with one exception only. He observed that negroes are property, and as such cannot be distinguished from the lands or personalities held in those States where there are few slaves, that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c. whereas a Southern farmer lays out that same surplus in slaves. There is no more reason therefore for taxing the Southern states on the farmer's head, & on his slave's head, than the Northern ones on their farmer's heads & the heads of their cattle, that the method proposed would therefore tax the Southern states according to their numbers & their wealth conjunctly, while the Northern would be taxed on numbers only: that negroes in fact should not be considered as members of the state more than cattle & that they have no more interest in it.

Mr. John Adams observed that the numbers of people were taken by this article as an index of the wealth of the state, & not as subjects of taxation, that as to this matter it was of no consequence by what name you called your people, whether by that of freemen or of slaves. That in some countries the labouring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. What matters it whether a landlord employing ten labourers in his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand. The ten labourers add as much wealth annually to the state, increase it's exports as much in the one case as the other. Certainly 500 freemen produce no more profits, no greater surplus for the paiment of taxes than 500 slaves. Therefore the state in which are the labourers called freemen should be taxed no more than that in which are those called slaves. Suppose by any extraordinary operation of nature or of law one half the labourers of a state could in the course of one night be transformed into slaves: would the state be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern states, is as abject as that of slaves. It is the number of labourers which produce the surplus for taxation, and numbers therefore indiscriminately, are the fair index of wealth. That it is the use of the word "property" here, & it's application to some of the people of the state, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of labourers in his country, and proportionably to it's profits & abilities to pay taxes. If he buys from his neighbor it is only a transfer of a labourer from one farm to another, which does not change the annual produce of the state, & therefore should not change it's tax. That if a Northern farmer works ten labourers on his farm, he can, it is true, invest the surplus of ten men's labour in cattle: but so may the Southern farmer working ten slaves. That a state of one hundred thousand freemen can maintain no more cattle than one of one hundred thousand slaves. Therefore they have no more of that kind of property. That a slave may indeed from the custom of speech be more properly called the wealth of his master, than the free labourer might be called the wealth of his employer: but as to the state, both were equally it's wealth, and should therefore equally add to the quota of it's tax.

Mr. [Benjamin] Harrison proposed as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do so much work as freemen, and doubted if two effected more than one. That this was proved by the price of labor. The hire of a labourer in the Southern colonies being from 8 to pound 12. while in the Northern it was generally pound 24.

Mr. [James] Wilson said that if this amendment should take place the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen. That slaves increase the profits of a state, which the Southern states mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern. That slaves occupy the places of freemen and eat their food. Dismiss your slaves & freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the jus trium liberorum to him who would import slaves. That other kinds of property were pretty equally distributed thro' all the colonies: there were as many cattle, horses, & sheep, in the North as the South, & South as the North; but not so as to slaves. That experience has shown that those colonies have been alwais able to pay most which have the most inhabitants, whether they be black or white, and the practice of the Southern colonies has alwais been to make every farmer pay poll taxes upon all his labourers whether they be black or white. He acknowledges indeed that freemen work the most; but they consume the most also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again white women are exempted from labor generally, but negro women are not. In this then the Southern states have an advantage as the article now stands. It has sometimes been said that slavery is necessary because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress, to proportion the quotas of the states to the number of souls.

Dr. [John] Witherspoon was of opinion that the value of lands & houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen & therefore should be taxed.

Horses also eat the food of freemen; therefore they also should be taxed. It has been said too that in carrying slaves into the estimate of the taxes the state is to pay, we do no more than those states themselves do, who alwais take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress to proportion the quotas according to the souls, it was temporary only, & related to the monies heretofore emitted: whereas we are now entering into a new compact, and therefore stand on original ground.

Aug 1. The question being put the amendment proposed was rejected by the votes of N. Hampshire, Massachusetts, Rhode island, Connecticut, N. York, N. Jersey, & Pennsylvania, against those of Delaware, Maryland, Virginia, North & South Carolina. Georgia was divided.

The other article was in these words. "Art. XVII. In determining questions each colony shall have one vote."

July 30. 31. Aug 1. Present 41. members. Mr. Chase observed that this article was the most likely to divide us of any one proposed in the draught then under consideration. That the larger colonies had threatened they would not confederate at all if their weight in congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as should we sever from each other, either no foreign power will ally with us at all, or the different states will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed which in such a state of separation & independance would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. He was of opinion the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and therefore that a discrimination should take place among the questions which would come before Congress. That the smaller states should be secured in all questions concerning life or liberty & the greater ones in all respecting property. He therefore proposed that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

Dr. Franklin thought that the votes should be so proportioned in all cases. He took notice that the Delaware counties had bound up their Delegates to disagree to this article. He thought it a very extraordinary language to be held by any state, that they would not confederate with us unless we would let them dispose of our money. Certainly if we vote equally we ought to pay equally; but the smaller states will hardly purchase the privilege at this price. That had he lived in a state where the representation, originally equal, had become unequal by time & accident he might have submitted rather than disturb government; but that we should be very wrong to set out in this practice when it is in our power to establish what is right. That at the time of the Union between England and Scotland the latter had made the objection which the smaller states now do. But experience had proved that no unfairness had ever been shown them. That their advocates had prognosticated that it would again happen as in times of old, that the whale would swallow Jonas, but he thought the prediction reversed in event and that Jonas had swallowed the whale, for the Scotch had in fact got possession of the government and gave laws to the English. He reprobated the original agreement of Congress to vote by colonies and therefore was for their voting in all cases according to the number of taxables.

Dr. Witherspoon opposed every alteration of the article. All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, & lessen it's importance; because it will open to our view future prospects of war & dissension among ourselves. If an equal vote be refused, the smaller states will become vassals to the larger; & all experience has shown that the vassals & subjects of free states are the most enslaved. He instanced the Helots of Sparta & the provinces of Rome. He observed that foreign powers discovering this blemish would make it a handle for disengaging the smaller states from so unequal a confederacy. That the colonies should in fact be considered as individuals; and that as such, in all disputes they should have an equal vote; that they are now collected as individuals making a bargain with each other, & of course had a right to vote as individuals. That in the East India company they voted by persons, & not by their proportion of stock. That the Belgic confederacy voted by provinces. That in questions of war the smaller states were as much interested as the larger, & therefore should vote equally; and indeed that the larger states were more likely to bring war on the confederacy in

proportion as their frontier was more extensive. He admitted that equality of representation was an excellent principle, but then it must be of things which are coordinate; that is, of things similar & of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. He distinguished between an incorporating & a federal union. The union of England was an incorporating one; yet Scotland had suffered by that union: for that it's inhabitants were drawn from it by the hopes of places & employments. Nor was it an instance of equality of representation; because while Scotland was allowed nearly a thirteenth of representation they were to pay only one fortieth of the land tax. He expressed his hopes that in the present enlightened state of men's minds we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people. That in some states the people are many, in others they are few; that therefore their vote here should be proportioned to the numbers from whom it comes. Reason, justice, & equity never had weight enough on the face of the earth to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted. That therefore the interests within doors should be the mathematical representatives of the interests without doors. That the individuality of the colonies is a mere sound. Does the individuality of a colony increase it's wealth or numbers. If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has pound 50. B. pound 500. C. pound 1000. in partnership. Is it just they should equally dispose of the monies of the partnership? It has been said we are independent individuals making a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us, like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore all those reasons which prove the justice & expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller states. We answer that an equal vote will endanger the larger. Virginia, Pennsylvania, & Massachusetts are the three greater colonies. Consider their distance, their

difference of produce, of interests & of manners, & it is apparent they can never have an interest or inclination to combine for the oppression of the smaller. That the smaller will naturally divide on all questions with the larger. Rhode isld, from it's relation, similarity & intercourse will generally pursue the same objects with Massachusetts; Jersey, Delaware & Maryland, with Pennsylvania.

Dr. [Benjamin] Rush took notice that the decay of the liberties of the Dutch republic proceeded from three causes. 1. The perfect unanimity requisite on all occasions. 2. Their obligation to consult their constituents. 3. Their voting by provinces. This last destroyed the equality of representation, and the liberties of great Britain also are sinking from the same defect. That a part of our rights is deposited in the hands of our legislatures. There it was admitted there should be an equality of representation. Another part of our rights is deposited in the hands of Congress: why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting here by their representatives? The larger colonies are so providentially divided in situation as to render every fear of their combining visionary. Their interests are different, & their circumstances dissimilar. It is more probable they will become rivals & leave it in the power of the smaller states to give preponderance to any scale they please. The voting by the number of free inhabitants will have one excellent effect, that of inducing the colonies to discourage slavery & to encourage the increase of their free inhabitants.

Mr. [Stephen] Hopkins observed there were 4 larger, 4 smaller, & 4 middle-sized colonies. That the 4 largest would contain more than half the inhabitants of the confederated states, & therefore would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by states. The Helvetic body does the same; & so does the Belgic confederacy. That too little is known of the ancient confederations to say what was their practice.

Mr. Wilson thought that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection or result of the wills of all. That if any government could speak the will of all, it would be perfect; and that so far as it departs from this it becomes imperfect. It has been said that Congress

is a representation of states; not of individuals. I say that the objects of its care are all the individuals of the states. It is strange that annexing the name of "State" to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many states, we are one large state. We lay aside our individuality, whenever we come here. The Germanic body is a burlesque on government; and their practice on any point is a sufficient authority & proof that it is wrong. The greatest imperfection in the constitution of the Belgic confederacy is their voting by provinces. The interest of the whole is constantly sacrificed to that of the small states. The history of the war in the reign of Q. Anne sufficiently proves this. It is asked shall nine colonies put it into the power of four to govern them as they please? I invert the question, and ask shall two millions of people put it in the power of one million to govern them as they please? It is pretended too that the smaller colonies will be in danger from the greater. Speak in honest language & say the minority will be in danger from the majority. And is there an assembly on earth where this danger may not be equally pretended? The truth is that our proceedings will then be consentaneous with the interests of the majority, and so they ought to be. The probability is much greater that the larger states will disagree than that they will combine. I defy the wit of man to invent a possible case or to suggest any one thing on earth which shall be for the interests of Virginia, Pennsylvania & Massachusetts, and which will not also be for the interest of the other states.

These articles reported July 12. 76 were debated from day to day, & time to time for two years, were ratified July 9, '78, by 10 states, by N. Jersey on the 26th. of Nov. of the same year, and by Delaware on the 23d. of Feb. following. Maryland alone held off 2 years more, acceding to them Mar 1, 81. and thus closing the obligation.

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